

FILED

JUN 27 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CV 08 2938

CASE NO. \_\_\_\_\_

PRISONER'S  
APPLICATION TO PROCEED  
IN FORMA PAUPERIS

JSW

(PR)

Kenneth Lofton Plaintiff,

vs.

RAMZI CARTER # 2156  
EDUARDO J. GONZALEZ # 2127  
Defendant.

I, Kenneth Lofton, declare, under penalty of perjury that I am the

plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes \_\_\_ No X

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: \_\_\_\_\_ Net: \_\_\_\_\_

Employer: \_\_\_\_\_

1 If the answer is "no," state the date of last employment and the amount of the gross and net  
 2 salary and wages per month which you received. (If you are imprisoned, specify the last  
 3 place of employment prior to imprisonment.)

4 \_\_\_\_\_  
 5 \_\_\_\_\_  
 6 \_\_\_\_\_

7 2. Have you received, within the past twelve (12) months, any money from any of the  
 8 following sources:

9 a. Business, Profession or Yes \_\_\_ No +  
 10 self employment

11 b. Income from stocks, bonds, Yes \_\_\_ No +  
 12 or royalties?

13 c. Rent payments? Yes \_\_\_ No +

14 d. Pensions, annuities, or Yes \_\_\_ No +  
 15 life insurance payments?

16 e. Federal or State welfare payments, Yes \_\_\_ No +  
 17 Social Security or other govern-  
 18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount  
 20 received from each.

21 \_\_\_\_\_  
 22 \_\_\_\_\_

23 3. Are you married? Yes \_\_\_ No +

24 Spouse's Full Name: \_\_\_\_\_

25 Spouse's Place of Employment: \_\_\_\_\_

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ \_\_\_\_\_ Net \$ \_\_\_\_\_

28 4. a. List amount you contribute to your spouse's support: \$ \_\_\_\_\_

1 b. List the persons other than your spouse who are dependent upon you for  
 2 support and indicate how much you contribute toward their support. (NOTE:  
 3 For minor children, list only their initials and ages. DO NOT INCLUDE  
 4 THEIR NAMES.).  
 5 \_\_\_\_\_  
 6 \_\_\_\_\_

7 5. Do you own or are you buying a home? Yes \_\_\_ No X

8 Estimated Market Value: \$ \_\_\_\_\_ Amount of Mortgage: \$ \_\_\_\_\_

9 6. Do you own an automobile? Yes \_\_\_ No X

10 Make \_\_\_\_\_ Year \_\_\_\_\_ Model \_\_\_\_\_

11 Is it financed? Yes \_\_\_ No \_\_\_ If so, Total due: \$ \_\_\_\_\_

12 Monthly Payment: \$ \_\_\_\_\_

13 7. Do you have a bank account? Yes \_\_\_ No X (Do not include account numbers.)

14 Name(s) and address(es) of bank: \_\_\_\_\_  
 15 \_\_\_\_\_

16 Present balance(s): \$ \_\_\_\_\_

17 Do you own any cash? Yes \_\_\_ No X Amount: \$ \_\_\_\_\_

18 Do you have any other assets? (If "yes," provide a description of each asset and its estimated  
 19 market value.) Yes \_\_\_ No X  
 20 \_\_\_\_\_

21 8. What are your monthly expenses?

22 Rent: \$ \_\_\_\_\_ Utilities: \_\_\_\_\_

23 Food: \$ \_\_\_\_\_ Clothing: \_\_\_\_\_

24 Charge Accounts:

25 <u>Name of Account</u>	<u>Monthly Payment</u>	<u>Total Owed on This Acct.</u>
26 _____	\$ _____	\$ _____
27 _____	\$ _____	\$ _____
28 _____	\$ _____	\$ _____

Case Number: 5C64642A

**CERTIFICATE OF FUNDS**

**IN**

**PRISONER'S ACCOUNT**

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of Kenneth Lofton for the last six months

Maguire Correctional Facility <sup>[prisoner name]</sup> where (s)he is confined.  
<sub>[name of institution]</sub>

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 15.00 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 20.00.

Dated: 6-24-08

P. Prud'homme # 783.  
[Authorized officer of the institution]

11:01:03 03 Jun 2008

ID NUMBER: 86970

INMATE: LOFTON, KENNETH

DATE	TIME	RECEIPT	DEPOSIT OR <WITHDRAW>	BALANCE	AUTHORIZATION
25 Aug 07	00:43	1637546	0.00	0.00	SH/NEW
07 Sep 07	02:51	1499999	15.00	15.00	MO # R1006597249 02
12 Sep 07	06:21	2261285	<13.10>	1.90	COMMISSARY
21 Sep 07	07:55	1401602	20.00	21.90	VIC
23 Sep 07	06:12	1401783	15.00	36.90	MO 10065972644
26 Sep 07	05:57	2262231	<22.80>	14.10	COMMISSARY
27 Sep 07	13:49	2175027	<5.40>	8.70	COMMISSARY
03 Oct 07	05:52	2175367	<7.70>	1.00	COMMISSARY
14 Oct 07	08:41	1404041	20.00	21.00	CH/MO# R10085703 1210
17 Oct 07	06:10	2263938	<11.00>	10.00	COMMISSARY
21 Oct 07	20:38	1404900	10.00	20.00	CO: ERIC N.
24 Oct 07	06:20	2176686	<20.00>	0.00	COMMISSARY
11 Nov 07	12:11	1407079	10.00	10.00	DN/FRANCIS
14 Nov 07	07:21	2178422	<10.00>	0.00	COMMISSARY
18 Nov 07	13:53	1407808	20.00	20.00	VICTOR
20 Nov 07	15:58	2178877	<19.80>	0.20	COMMISSARY
01 Dec 07	20:52	1409121	10.00	10.20	FRANCES
05 Dec 07	06:07	2018092	<9.30>	0.90	COMMISSARY
06 Dec 07	07:50	1409612	15.00	15.90	JOHNATHAN
07 Dec 07	06:04	2179999	<8.70>	7.20	COMMISSARY
12 Dec 07	06:43	2267692	<7.10>	0.10	COMMISSARY
12 Dec 07	15:26	1410292	16.00	16.10	DN/ROBERTO HERRE RA
14 Dec 07	06:11	2267932	<16.00>	0.10	COMMISSARY
16 Dec 07	16:41	1410726	20.00	20.10	M.O. R1010440322 54
19 Dec 07	06:51	2268373	<17.00>	3.10	COMMISSARY
21 Dec 07	07:19	1411210	15.00	18.10	DN/MO#R101044032 683 NORA LOFTON
21 Dec 07	09:41	2268573	<2.90>	15.20	COMMISSARY
26 Dec 07	06:16	2268650	<12.50>	2.70	COMMISSARY
28 Dec 07	06:19	2181552	<2.50>	0.20	COMMISSARY
30 Dec 07	20:03	1412255	10.00	10.20	CO: CHRIS
02 Jan 08	06:31	2181835	<9.80>	0.40	COMMISSARY
08 Jan 08	11:07	1413010	20.00	20.40	VICK
10 Jan 08	11:13	2182414	<17.30>	3.10	COMMISSARY
16 Jan 08	07:00	1413786	15.00	18.10	MO# R10104403464 1 NORA LOFTON / TL
17 Jan 08	15:14	1413921	20.00	38.10	CH/FROM GARRON
18 Jan 08	06:22	2270727	<4.10>	34.00	COMMISSARY
23 Jan 08	06:27	2183144	<24.80>	9.20	COMMISSARY
24 Jan 08	10:19	2183418	<5.60>	3.60	COMMISSARY
29 Jan 08	07:09	1415022	15.00	18.60	DN/MO#R101044035 356 NORA LOFTON
30 Jan 08	06:29	2018413	<18.10>	0.50	COMMISSARY

54W  
731

08 Feb 08 13:53 1416090	20.00	20.50 ARTIE /TL
10 Feb 08 20:09 1416384	30.00	50.50 CO: CARRELL
13 Feb 08 06:43 2272124	<29.10>	21.40 COMMISSARY
15 Feb 08 06:36 2185262	<21.10>	0.30 COMMISSARY
15 Feb 08 21:05 1416870	20.00	20.30 CO: LARONE
20 Feb 08 07:03 2272634	<19.90>	0.40 COMMISSARY
23 Feb 08 06:33 1417643	20.00	20.40 MO 10104403697
27 Feb 08 06:38 2186073	<20.10>	0.30 COMMISSARY
05 Mar 08 07:04 1418806	20.00	20.30 DN/MO#9341573194 1080222710390 M ARY
07 Mar 08 06:52 2274174	<20.10>	0.20 COMMISSARY
07 Mar 08 13:31 1419050	20.00	20.20 VIC
11 Mar 08 13:36 1419450	20.00	40.20 DN/GARY
12 Mar 08 05:56 2274509	<38.20>	2.00 COMMISSARY
14 Mar 08 05:43 2187343	<2.00>	0.00 COMMISSARY
17 Mar 08 10:21 1420115	20.00	20.00 SS/NEPHEW
17 Mar 08 10:42 1420119	40.00	60.00 SS/MARKETA
19 Mar 08 05:48 2019208	<52.60>	7.40 COMMISSARY
21 Mar 08 05:47 2019279	<7.40>	0.00 COMMISSARY
25 Mar 08 12:26 1420983	20.00	20.00 EG/FROM MARKETA
27 Mar 08 14:20 1421219	20.00	40.00 RS/PAT
28 Mar 08 05:55 2188460	<39.80>	0.20 COMMISSARY
01 Apr 08 13:09 1421786	20.00	20.20 SS/LAMONT
01 Apr 08 14:27 1421801	20.00	40.20 YOPIMP
02 Apr 08 05:51 2019427	<38.70>	1.50 COMMISSARY
03 Apr 08 13:22 1422021	20.00	21.50 DN/MARKETA
04 Apr 08 06:15 2276386	<21.50>	0.00 COMMISSARY
11 Apr 08 06:51 1422903	20.00	20.00 DN/MO#R200730350 689 NORA LOFTON
16 Apr 08 05:48 2019699	<19.90>	0.10 COMMISSARY
17 May 08 06:44 1426853	20.00	20.10 RS/MO 9341573523 6
21 May 08 06:10 2193324	<20.00>	0.10 COMMISSARY
31 May 08 10:52 1428299	20.00	20.10 DESANTIS/VCC